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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
)
v.)
)
)
RUSSELL JOHANSEN,)
)
Defendant.)

Criminal No. CR 05-00438 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING MOTION TO
SUPPRESS BRIEFING SCHEDULE**

Hearing: November 16, 2005
Time: 2:30 a.m.
Court: Hon. Maxine M. Chesney

The above-captioned matter is set for hearing on the defendant's Motion to Suppress Evidence ("Motion") on November 13, 2005. The defendant is represented by James Pokorny and the government is represented by Jeffrey Finigan, Assistant United States Attorney. The government's opposition to the Motion is currently due to be filed on October 26, 2005, and the defendant's reply is due on November 2. Government counsel was unexpectedly assigned to a murder case on Monday, October 24, 2005, and has had to devote nearly 100% of his time to that

1 matter and will be unable to complete the opposition in time for filing on October 26, 2005.
2 Based on the foregoing, the parties agree and stipulate that the government may have until
3 October 31, 2005 to file the opposition and the defendant may have until November 7, 2005 to
4 file the reply. The parties also respectfully request that the hearing date remain November 16,
5 2005, as defense counsel has made travel arrangements to come from San Diego for the hearing.

6
7
8 DATED: 10/25/05

/s/

JAMES POKORNY
Counsel for Russell Johansen


9
10
11 DATED: 10/25/05

/s/

JEFFREY FINIGAN
Assistant U.S. Attorney

12
13 So ordered.

14 DATED: October 26, 2005



MAXINE M. CHESNEY
UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the office of the United States Attorney, Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned certifies that she caused copies of

**STIPULATION AND [PROPOSED] ORDER MODIFYING MOTION
TO SUPPRESS BRIEFING SCHEDULE**

in the case of **UNITED STATES V. RUSSELL JOHANSEN, CR 05-00438 MMC** to be served on the parties in this action, by placing a true copy thereof in a sealed envelope, addressed as follows which is the last known address:

**James Pokorny, ESQ
110 West "C" Street, Suite 1504
San Diego, CA 92101
Fax No: 619-239-8141**

____ (By Personal Service), I caused such envelope to be delivered by hand to the person or offices of each addressee(s) above.

 X (By Facsimile), I caused each such document to be sent by Facsimile to the person or offices of each addressee(s) above.

____ (By Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, California.

____ (By Fed Ex), I caused each such envelope to be delivered by FED EX to the address listed above.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 25, 2005

/s/
RAWATY YIM
United States Attorney's Office